IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

R.P(FC).No. 167 of 2007()

M.C. NO. 162/2004 of FAMILY COURT, KOTTAYAM

REVISION PETITIONER:

MEHABOOB, AGED 44 YEARS,
S/O. MOHAMMED KUNJU,
NIRAPPATHU VEEDU, VADAKARA DESOM,
VELLORE PANCHAYAT,
VAIKOM TALUK.

BY ADV. SRI. S.KRISHNAKUMAR

RESPONDENTS:

1. NASIYA MAHABOOB, AGED 37 YEARS,
D/O. THANGAL KUNJU,
NAYANA MANZIL, VADAKARA DESOM,
VELLORE PANCHAYAT,
VAIKOM TALUK,
KOTTAYAM.

2. NEYANA MAHABOOB, MINOR,
D/O. MAHABOOB, NAYANA MANZIL,
VADAKARA DESAM,
VELLORE PANCHAYAT,
VAIKOM TALUK,
KOTTAYAM.

3. NIFAL MEHABOOB,
S/O. MAHABOOB,
NAYANA MANZIL,
VADAKARA DESAM,
VELLORE PANCHAYAT,
VAIKOM TALUK,
KOTTAYAM.
(MINOR REPRESENTED BY MOTHER 1ST RESPONDENT/NASIYA MAHABOOB)

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON 11/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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R.P(F.C) NO. 167 OF 2007

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Dated this the 11th day of April 2007

O R D E R

The revision petitioner, who is the counter petitioner in M.C. No.162/2004 and under orders to pay maintenance to the wife and children, has sought for setting aside the order pointing out that it was an exparte one and has sought for that he may be provided with an opportunity to adduce evidence. I find that there is gross laches on the part of the revision petitioner as is evident from the judgment of the court below.

2. All the same, in the interests of a complete adjudication in the matter, the order shall stand set aside on condition that the revision petitioner deposits 75 per cent of the arrears of maintenance due within one month from today onwards and continue to deposit at the above rate. The court below shall permit the parties to adduce further evidence and dispose of the case on merits at the earliest.

The R.P(F.C) is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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